

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYNE ROSE,

Plaintiff,

v.

MEIJER LONG-TERM
DISABILITY PLAN and
MEIJER, INC., as Plan Administrator,

Defendants.

Case No. 1:05-CV-713

Hon. Richard Alan Enslen

ORDER

This issue now before the Court on Plaintiff's Request for Withdrawal of Class Status Except as it Applies to Prospective Relief. Plaintiff never filed a Motion for Class Certification pursuant to Federal Rule of Procedure 23, nor was any Class Certification ever granted by the Court. Through stipulation of the parties, Plaintiff's time to file a Motion to Certify a Class was extended until October 1, 2006. It appears to the Court, Plaintiff is now requesting to withdraw this intent to file class status due to the fact no potential class members were identified through disclosure by Defendants or discovery.

Plaintiff requests that class action status for prior acts be removed from this action except as it would apply to prospective relief, specifically injunctive relief, for future individuals similarly situated to Plaintiff. Upon consideration the Court agrees it is appropriate:

THEREFORE, IT IS ORDERED that Plaintiff Wayne Rose's Request for Withdrawal of Class Status Except as it Applies to Prospective Relief (Dkt. No. 52) is **GRANTED**.

Dated in Kalamazoo, MI:
October 30, 2006

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge